

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22

TRINITAS REGIONAL MEDICAL CENTER,
Employer

And

INTERNATIONAL ASSOCIATION OF
EMTSAND PARAMEDICS, SEIU
LOCAL 5000

CASE NO. 22-RC-193804

Petitioner

REQUEST FOR BOARD REVIEW OF REGIONAL DIRECTOR'S DECISION AND ORDER

The Petitioner in the above-captioned matter herein requests that the National Labor Relations Board, (hereinafter referred to as "the Board"), review the Decision and Order issued on April 25, 2017, but David E. Leach III, Regional Director of Region 22.

A hearing was held at the NLRB offices in Newark, New Jersey on March 9, 2017 before Mr. Avinish Kuma, Hearing Officer. Petitioner, International Association of EMTs and Paramedics, SEIU, Local 5000, filed its petition on February 24, 2017. The Unit petitioned for is all full time, regular part time and per diem mobile intensive care paramedics (MICP), Mobile Intensive Care Nurses (MICN), and Specialty Care Nurses (SCTN) who provide pre-hospital advanced life support (ALS) Mobile Intensive Care Unit (MICU) and Specialty Care Unit (SCTU).

The employer's position as reflected in the record (page 16) is that NLRB Rule 103.30(a) applies and under the rule the unit has to be all technical employees and all registered nurses hospital wide. The employer also sought to include the EMTs and one dispatcher who also works as an EMT.

Glenn Nacion, Vice President and Chief Human Resources Officer for Trinitas Regional Medical Center (employer), testified at great length, about the centralized administration which connects the Employer and the MICU. There is no dispute that the Employer is an acute care hospital, and that the Employer has all of the departments that allow the hospital, or any other employer, to function, and that administratively, and only administratively, the MICU is part of Trinitas.

The key question here is functional integration, which the Petitioner submits does not exist. Gerard Muench, Director of Pre Hospital Services, testified that he supervises three separate sections as delineated in the organizational chart entered into evidence by employer. Those distinct areas are the MICU, the BLS, and the Training Center.

Mr. Muench testified that the MICU personnel are dispatched solely by Union County police dispatch, which has no affiliation with the Trinitas. While the employer's Basic Life Support (BLS) which are the EMTs, are dispatched by the employer, no Trinitas employees ever dispatch the MICU.

He further testified that no employees in the MICU do any direct patient care in the critical care areas of Trinitas. During Mr. Muench's testimony, Petitioner asked that OP-23, a Trinitas policy authored by Mr. Muench, entitled "Staff Functioning in the Emergency Department", be entered into evidence. Mr. Muench testified that he authored the document, and it states, in relevant part, that it is the "policy of Trinitas hospital prehospital services division of Advanced Life Support, to have staff paramedics' primary function be the provision of *out of hospital* (emphasis added) advanced life support to sick and traumatized patients. Paramedics play no role in the day to day operations of the emergency department other than delivering patients to the emergency department staff". The policy further states that the *only* (emphasis added) function the paramedics may have within the emergency department is in the case of a disaster. When pressed to define "disaster" during re-cross examination, Mr. Muench's definition was "if the amount of patients overwhelm the emergency department's

capabilities and additional help is needed”. He went on to state that there were six or seven disasters in the last ten years, but could provide no example or instance where a disaster as he defined it occurred, necessitating members of the MICU to perform in hospital patient care.

The MICU is also distinct and functionally separate from Trinitas in the area of charting patient information and care. The MICU uses a system called EMS Charts. No other unit in Trinitas uses EMS Charts. In order for any Trinitas employee or department to gain access to information contained in EMS Charts, they must seek permission from Mr. Muench, then receive access and a password from him. EMS Charts is only used by other BLS, ALS and other MICU units in the area.

Another area where the MICU is functionally distinct from Trinitas is that *only* (emphasis added) paramedics and MICNs or combinations of MICU personnel are allowed to ride on the MICU and provide patient care. Additionally, the equipment used on the MICU is specific to the MICU. The stretchers cannot go from the hospital floor to the MICU. The monitors on the MICU are distinct from the monitors used in the hospital.

The most significant area where functional integration is completely lacking is in personnel. Within Trinitas, nurses and other direct care personnel can transfer from unit to unit within the hospital. No employee from Trinitas can transfer from the hospital to the MICU, or work within the MICU even temporarily, absent significant additional training. The MICU personnel’s uniforms are also distinct and distinguishable from in hospital employees’ uniforms. Further, paramedics are not permitted to replace nursing staff in the emergency department. They provide out of hospital treatment which ceases once the patient reaches the hospital.

Even though Trinitas holds the license for the MICU, the MICU transports patients to numerous hospitals in three counties, besides transporting to Trinitas. The MICU transports patients to, among other hospitals, the Robert Wood Johnson University Hospital, Rahway, NJ, (Rahway County), Overlook

Medical Center, Summit NJ (Union County), Saint Barnabas Newark Beth Israel, Newark NJ (Essex County), University Hospital, Newark, NJ (Essex County), St. Michaels, Newark, NJ (Essex County), JFK Medical Center, Edison, NJ (Middlesex County), the Meridian Raritan Bay Medical Center, Perth Amboy, NJ (Middlesex County), and to the Robert Wood Johnson University Hospital, New Brunswick, NJ (Middlesex County).

In the Decision and Order, the Regional Director gave short shrift to the factual issues raised by Petitioner's cross examination of Mr. Muench, where in Petitioner showed that, notwithstanding the administrative integration present between Trinitas and the MICU, there is significant functional separation, as clearly stated above. Additionally, the Regional Director in his decision states that the paramedics are dispatched by the City of Elizabeth, which is inaccurate and appears nowhere in the record. The fact is that the MICU personnel are dispatched by Union County police dispatch, which has no relation to Trinitas.

The Regional Director's ignoring of those facts prejudicially affected the rights of the Petitioner, and thus Petitioner seeks review by the Board.

Respectfully submitted,

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